

ASSEMBLY BILL

No. 385

Introduced by Assembly Member Goldsmith

February 20, 1997

An act to add Sections 47606.1 and 47610.5 to the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 385, as introduced, Goldsmith. Home rule districts.

(1) Existing law establishes a procedure for the establishment of charter schools that receive certain public funding but are not subject to the laws generally governing school districts. Existing law also establishes a procedure for the conversion of all of the schools within a school district to charter schools.

This bill would establish a procedure for a school district to convert to home rule district only if the governing board of the school district passes a resolution stating the school district is willing to be presented, as specified, a petition to become a home rule district and will pay for the signature verification process, as specified; the school district's units of average daily attendance for the previous school year were less than 400,000; and a home rule petition, that contains specified requirements, receives approval from the governing board of the school district and the State Board of Education.

This bill would establish a procedure for granting petitions for new home rule districts based on the order in which the State Board of Education receives the petitions.

This bill would provide that, except as specified, a home rule district would be treated as a charter school.

The bill would require the Legislative Analyst to contract for an evaluation of home rule districts, as specified, and to convene an advisory panel, as specified. This bill would state the intent of the Legislature that funding for the evaluation be appropriated in the Budget Act of 2002. The bill would provide that a home rule district retains its status as an elementary, high school, or unified school district and as a public school employer for the purposes of the provisions of law pertaining to collective bargaining, as specified.

This bill would provide that a home rule petition may be granted for a period not to exceed 5 years, may be granted one or more renewals, and may be revoked by a majority vote of the governing board of the home rule district.

The bill would require that a home rule district comply with all of the provisions set forth in its home rule petition and the provision of law governing home rule districts, and the provision of law pertaining to public school employers but would otherwise exempt home rule districts from the laws governing school districts.

(2) Existing law limits the number of charter schools that may operate in the state to 100, with not more than 10 charter schools in any single school district.

This bill would provide that the statewide limit of 100 charter schools shall not apply to a school district that converts to a home rule district, nor shall it apply to the schools within that home rule district. The districtwide limit of 10 charter schools would also not apply to a school district that converts to a home rule district. The bill would limit the number of home rule districts with operating budgets in excess of \$100,000,000 to 5 for the 1998–99, 1999–2000, and 2000–01 school years and the total number of home rule districts in the state to 20.

(3) Under existing law, the scope of representation between an employee organization and a public school employer are limited to matters relating to wages, hours of employment and other terms and conditions of employment, as described. Existing law provides that the exclusive representative of certificated personnel has the right to



consult on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks to the extent those matters are within the discretion of the public school employer.

This bill would provide that a home rule district is a public school employer for purposes of those provisions, except as specified. The bill would also provide that a home rule district is subject to the provisions pertaining to the employment of classified and certificated employees. The bill would further provide that if the petition is revoked and there are provisions of a collective bargaining agreement negotiated pursuant to the petition that are outside the scope of negotiations authorized pursuant to existing law, those provisions shall be revoked, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47606.1 is added to the
2 Education Code, to read:
3 47606.1. (a) For the purposes of this section, “home
4 rule district” means a school district operating under a
5 single charter that incorporates all of the schools in the
6 school district.
7 (b) A school district may convert to a home rule
8 district as provided in this section if all of the following
9 conditions are satisfied:
10 (1) The governing board of the school district enacts
11 a resolution stating that the school district is willing to be
12 presented a petition pursuant to paragraph (3) to convert
13 the school district to a home rule district, and that the
14 school district alone is responsible and will pay for all costs
15 related to the signature verification process for any
16 petition for a home rule district presented or submitted
17 to the board. For these purposes, the signature
18 verification process includes the review and issuance of
19 a petition, verification of the signature requirement, and
20 all other costs relating to adoption of a certified issued
21 petition.

1 (2) In the school year immediately preceding the
2 school year in which a petition for conversion to a home
3 rule district is presented to the school district, the units of
4 average daily attendance for the school district in the
5 second period report for the second principal
6 apportionment is 400,000 or less.

7 (3) A petition for conversion to a home rule district,
8 containing all of the requirements set forth in paragraphs
9 (4) and (5), is prepared by the proponents of the
10 conversion, presented to the school district for review,
11 and copied and issued by the school district to the
12 proponents of the conversion for the circulation and
13 gathering of signatures. Upon issuance of the petition by
14 the school district for the circulation and gathering of
15 signatures, the petition shall be deemed an “issued
16 petition.” No change shall be made to the contents of an
17 issued petition. The issued petition shall be signed by at
18 least 50 percent of the teachers within the school district,
19 excluding any charter schools operating within the school
20 district. For purposes of this paragraph, “teacher” means
21 a certificated employee of the school district who is
22 assigned as a classroom teacher. The signature pages of
23 the issued petition shall be in the form required by
24 Section 100 of the Elections Code, but a teacher who signs
25 a petition shall not be required to be a registered voter.
26 The signed issued petition shall be submitted to the school
27 district for verification of the signature requirement, and
28 when sufficient signatures under this paragraph have
29 been verified, the issued petition shall be certified by the
30 superintendent of schools of the school district.

31 (4) The certified issued petition shall be presented by
32 the superintendent of schools of the school district to the
33 governing board of the school district at a public meeting.
34 Not later than 15 days after presentation to the governing
35 board of the school district, the governing board shall hold
36 a public hearing on the provisions of the certified issued
37 petition.

38 (5) Not later than 15 days after the public hearing, the
39 governing board of the school district shall consider for
40 adoption a resolution approving the conversion of the

1 school district to a home rule district. If the resolution is
2 approved by a majority of the governing board members,
3 the proponents of the home rule district may submit the
4 certified issued petition to the State Board of Education
5 for its consideration. The State Board of Education shall
6 approve the certified issued petition only upon finding
7 that the certified issued petition complies with the
8 requirements of paragraphs (6) and (7) and that the
9 school district does not have a qualified or negative
10 budget certification. The State Board of Education shall
11 assign sequentially a number to each petition submitted
12 for approval of a new home rule district without regard
13 to any year.

14 (6) The home rule petition shall provide for the
15 operation of the home rule district and all the schools
16 within the home rule district as follows:

17 (A) The home rule petition shall provide for the
18 continuing supervision and approval of those schools that
19 are operating as individual charter schools in accordance
20 with the provisions of this part. The home rule petition
21 shall also provide for the approval of petitions for the
22 establishment of individual charter schools pursuant to
23 Section 47605 and the supervision of the approved
24 individual charter schools, as specified in this part. Upon
25 conversion of the school district to a home rule district,
26 schools within the home rule district that are operating as
27 individual charter schools shall continue to operate under
28 their respective charters. The home rule district shall
29 exercise all power and authority of a school district
30 governing board in regard to those charter schools.

31 (B) The home rule petition shall provide for the
32 manner in which governance and administrative services
33 are to be provided by the governing board of the home
34 rule district and the administration of the individual
35 schools in the home rule district. No petition, however,
36 may alter the manner in which members of the governing
37 board of the home rule district are elected, and, except as
38 otherwise provided in this section, the membership of the
39 governing board for each home rule district shall be
40 governed by Chapter 1 (commencing with Section 5000)

1 and Chapter 3 (commencing with Section 5300) of Part
2 4, Article 1 (commencing with Section 35100) of Chapter
3 2 of Part 21, and any other provisions of law that apply to
4 the membership of school district governing boards.

5 (7) The home rule petition shall contain all of the
6 following:

7 (A) The requirements set forth in paragraphs (1) to
8 (13), inclusive, of subdivision (b), and subdivisions (c)
9 and (d) of Section 47605.

10 (B) A provision that specifies alternative public school
11 attendance arrangements for pupils residing within the
12 home rule district who choose not to attend a school in the
13 home rule district.

14 (8) Following review of the certified issued petition by
15 the State Board of Education, the State Board of
16 Education shall either grant or deny the home rule
17 petition within 60 days of receipt of the certified issued
18 petition, except that the date may be extended by an
19 additional 30 days at the request of either the governing
20 board of the school district or the proponents of the home
21 rule petition.

22 (c) Notwithstanding subdivision (a) of Section 47602,
23 the statewide limit of 100 charter schools operating in the
24 state in any school year shall not apply to a school district
25 that converts to a home rule district pursuant to this
26 section. Nor shall the statewide limit apply to the schools
27 within the home rule district. The districtwide limit of 10
28 charter schools also shall not apply to a school district that
29 converts to a home rule district pursuant to this section.

30 (d) Notwithstanding subdivision (c), the number of
31 home rule districts with operating budgets in excess of
32 one hundred million dollars (\$100,000,000) shall not
33 exceed five for the 1998–99, 1999–2000, and 2000–01 school
34 years and the total number of home rule districts
35 operating in this state in any school year shall not exceed
36 20. The State Board of Education shall grant petitions for
37 new home rule districts that meet the requirements
38 specified in subdivision (b) in the numerical order
39 received. Renewals of home rule districts take
40 precedence over granting petitions for new home rule

1 districts. When there are 20 home rule districts operating
2 in the state, the State Board of Education shall not grant
3 any petitions for new home rule districts, until it
4 determines that a home rule district will not renew its
5 petition, or a home rule district's petition is revoked by
6 the board. The State Board of Education shall not waive
7 the limit on the number of home rule districts established
8 pursuant to this subdivision.

9 (e) (1) The Legislative Analyst shall contract for an
10 evaluation of the effectiveness of the home rule district
11 approach authorized under this section and, on or before
12 January 1, 2004, shall report to the Legislature and the
13 Governor accordingly with recommendations to modify,
14 expand, or terminate that approach. The evaluation of
15 the effectiveness of the home rule district approach shall
16 include, but shall not be limited to, the following factors:

17 (A) If available, the pre- and post-home rule district
18 test scores of pupils attending home rule districts and
19 other pupil assessment tools.

20 (B) The level of parental satisfaction with the home
21 rule district approach compared with parental
22 satisfaction in other school districts.

23 (C) The impact of required parental involvement.

24 (D) The fiscal structures and practices of home rule
25 districts as well as the relationship of these structures and
26 practices to other school districts, including the amount
27 of revenue received from various public and private
28 sources.

29 (E) An assessment of whether or not the home rule
30 district approach has resulted in increased innovation and
31 creativity.

32 (F) Opportunities for teachers under the home rule
33 district approach.

34 (G) Whether or not there is an increased focus on
35 low-achieving and gifted pupils.

36 (H) Any discrimination and segregation in home rule
37 districts.

38 (I) If available, the number of home rule district
39 petitions submitted to governing boards of school districts
40 and the number of those proposals that are denied, per

1 year, since the enactment of this section, including the
2 reasons why the governing boards denied these petitions,
3 and the reasons governing boards have revoked home
4 rule district status.

5 (J) The governance, fiscal liability and accountability
6 practices of home rule districts.

7 (K) The manner in which governing boards of home
8 rule districts monitor the compliance of the conditions,
9 standards, and procedures entered into under their
10 petition.

11 (L) The extent of the employment of noncredentialed
12 personnel in home rule districts.

13 (M) An assessment of how the exemption from laws
14 governing school districts allows home rule districts to
15 operate differently than other school districts.

16 (N) A comparison between the pupil dropout rate in
17 the home rule district and other home rule districts.

18 (O) The role and impact of collective bargaining on
19 home rule districts.

20 (2) The Legislative Analyst shall convene an advisory
21 panel to assist the office in developing a request for
22 proposals and in evaluating any proposals submitted
23 pursuant to Section 47616.5. The advisory panel shall
24 include parents or guardians of pupils, teachers, teacher
25 representatives, administrators, members of governing
26 boards of school districts, representatives of charter
27 schools, the State Department of Education, and the
28 Department of Finance. There shall be an equal number
29 of parents or guardians of pupils, teachers, teacher
30 representatives, administrators, members of governing
31 boards of school districts, and representatives of home
32 rule districts on the advisory panel.

33 (3) It is the intent of the Legislature that funding for
34 the evaluation specified in paragraph (1) be
35 appropriated in the Budget Act of 2002.

36 (f) Nothing contained in this section shall preclude
37 schools from converting to charter schools through
38 petitions initiated pursuant to Section 47605 or 47606.

39 (g) Except as provided in this section, a home rule
40 district shall be treated as a charter school for the

1 purposes of Sections 47600, 47601, 47602, 47603, 47607,
2 47610, 47611, 47612, and 47616. Sections 47605 and 47606
3 shall not apply to petitions for home rule districts initiated
4 pursuant to this section, except as specifically provided
5 for in this section.

6 (h) A home rule district shall retain its former status as
7 an elementary, high school, or unified school district and
8 shall be subject to provisions of this code governing school
9 district organization.

10 (i) A home rule district shall be subject to the
11 credentialing and certification provisions set forth in
12 Chapter 2 (commencing with Section 44200) of Part 25.

13 (j) (1) Conversion of a school district to a home rule
14 district shall not nullify any contracts of the school district
15 existing as of the date of conversion unless expressly
16 provided under the terms of the contract.

17 (2) A home rule school district shall be subject to
18 Chapter 10.7 (commencing with Section 3540) of
19 Division 4 of Title 1 of the Government Code, shall retain
20 its status as a public school employer for the purpose of
21 that chapter, and shall continue to recognize those
22 employee organizations holding the status of exclusive
23 bargaining representative as of the date of the conversion
24 of the school district to a home rule district.

25 (3) A home rule school district shall be subject to
26 Chapter 1 (commencing with Section 44000), Chapter 4
27 (commencing with Section 44800) and Chapter 5
28 (commencing with Section 45100) of Part 25.

29 (k) A home rule petition may be granted by the State
30 Board of Education for a period not to exceed five years.
31 A home rule petition may be granted one or more
32 subsequent renewals by the State Board of Education.
33 Each renewal shall be for a period not to exceed five
34 years. A home rule petition may be revoked by a majority
35 vote of the governing board of the home rule district for
36 causes that are determined and stated publicly by the
37 governing board of the home rule district. If a home rule
38 district petition is revoked, any provision of a collective
39 bargaining agreement negotiated pursuant to a petition
40 that is outside the scope of negotiations authorized

1 pursuant to Section 3543.2 of the Government Code shall
2 not be deemed valid and subsisting except to the extent
3 otherwise permitted by law, but all other provisions or
4 applications of the collective bargaining agreement shall
5 continue in full force and effect. Chapter 10.7
6 (commencing with Section 3540) of Division 4 of Title 1
7 of the Government Code and the provisions of that
8 chapter shall govern the collective bargaining agreement
9 in that event, and any collective bargaining agreement
10 negotiated pursuant to a petition may not waive or
11 otherwise modify this requirement.

12 SEC. 2. Section 47610.5 is added to the Education
13 Code, to read:

14 47610.5. A home rule district shall comply with all of
15 the provisions set forth in its home rule petition, the
16 provisions of Section 47606.1, Chapter 1 (commencing
17 with Section 44000), Chapter 2 (commencing with
18 Section 44200), Chapter 4 (commencing with Sections
19 44800), and Chapter 5 (commencing with Section 45100)
20 of Part 25, and the provisions of Chapter 10.7
21 (commencing with Section 3540) of Division 4 of Title 1
22 of the Government Code, but is otherwise exempt from
23 the laws governing school districts.

